

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

*CARR ENTERPRISES INC DBA ABC
PRINTING,*

Plaintiff,

v.

ACADIA INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 6:21-CV-129

DEFENDANT ACADIA INSURANCE COMPANY'S
NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Acadia Insurance Company respectfully petitions this Court for removal of the above-entitled action to the United States District Court for the Eastern District of Texas from the 188th Judicial District Court of Gregg County, Texas, and for its Notice of Removal states:

I.
REMOVAL JURISDICTION

1. Under 28 U.S.C § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant(s), to the district court of the United States for the district and division embracing the place where such action is pending.” The Court’s analysis must be based on jurisdictional facts as of the time the petition is filed. *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 292 (1938).

2. This action, entitled *Carr Enterprises Inc. dba ABC Printing v. Acadia Insurance Company*, pending in the 188th Judicial District Court of Gregg County, Texas as Cause No. DC-

2021-430-A, was commenced against Acadia via the filing of Plaintiff's Original Petition (the "Petition") on March 10, 2021. *See* Exhibit A, Index of Documents Filed in State Court. The state court's address is 101 East Methvin Street, Suite 408, Longview, Texas 75601, and the case is currently pending.

3. The parties in this case include Plaintiff Carr Enterprises Inc dba ABC Printing and Defendant Acadia Insurance Company.

4. The attorneys involved in this action include the following:

a. Preston J. Dugas, III
State of Texas Bar No.: 24050189
1701 River Run, Suite 703
Fort Worth, Texas 76107
Telephone: (817) 945-3061

**ATTORNEY FOR PLAINTIFF
CARR ENTERPRISES DBA ABC PRINTING**

b. Jennifer Martin
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**ATTORNEYS FOR DEFENDANT
ACADIA INSURANCE COMPANY**

5. Acadia was served on March 15, 2021. Accordingly, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. Plaintiff Carr Enterprises Inc dba ABC Printing is a Texas Corporation. On information and belief, Plaintiff is a corporation formed under the laws of Texas with its principal place of business in Texas. As such, Plaintiff is a citizen of Texas.

7. Acadia is a corporation formed under the laws of Iowa with its principal place of business in Maine. As such, Acadia is a citizen of Iowa and Maine.

8. Plaintiff alleges causes of action against Acadia for breach of contract, violations of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and breach of the duty of good faith and fair dealing. *See* Plf.'s Orig. Pet. at 3-9.

9. Accordingly, removal is proper because there is complete diversity between the parties under 28 U.S.C. § 1332.

II.

AMOUNT IN CONTROVERSY

10. This is a civil action in which the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff seeks damages “monetary relief of over \$250,000 but not more than \$1,000,000.” *Id.* at 2. Thus, it is apparent from Plaintiff’s Petition that the damages sought by Plaintiff are greater than \$75,000. Therefore, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

III.

ATTACHMENTS

11. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81, the following are attached to this Notice:

- 1) A completed civil cover sheet;
- 2) A certified copy of the state court docket sheet;
- 3) List of attorneys;
- 4) An index of all documents that clearly identifies each document and indicates the date the document was filed in state court; and
- 5) A separately signed certificate of interested persons.

IV.
NOTICE TO STATE COURT

12. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will promptly be given to all parties and to the clerk of the 188th Judicial District Court of Gregg County, Texas.

13. Plaintiff previously demanded a trial by jury in the state court action.

14. Pursuant to Federal Rule of Civil Procedure 38 and Local Rule 38(a), Acadia demands a trial by jury in this Court.

V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Acadia respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Acadia further requests any additional relief to which it may be justly entitled.

April 5, 2021

Respectfully submitted,

/s/ Jennifer G. Martin

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**ATTORNEYS FOR DEFENDANT ACADIA
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to counsel of record in accordance with the Federal Rules of Civil Procedure, on this the 5th day of April, 2021.

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/s/ Jennifer Martin
JENNIFER MARTIN